THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.21070 OF 2005

Between:

K.E.Chandrasekhara Goud and three others

…..Petitioners

Vs.

The Commissioner of Prohibition & Excise, Government of A.P., Hyderabad and seven others

……..Respondents

Dt.28.09.2005

O R D E R:

This writ petition is filed for declaring the notification dated 28.07.2005 published in Kurnool District Gazette Extraordinary issued by the second respondent and the consequential Memo in RC.No.B1/1100/2004, dated 29.07.2005 issued by the third respondent in sanctioning the TFT additional licenses at Venkatagiri and Mudumalagutti Village of Kodumuru Mandal, Kurnool District, in favour of respondents 5 to 8 as illegal, arbitrary and for a consequential direction to the respondents not to proceed with the granting of licences in respect of additional counters (TFT) in Venkatagiri and Mudumulagutti Village of Kodumuru Mandal, Kurnool District in favour of respondents 5 to 8.

It is the case of the petitioners that the petitioners are tappers by profession. Basing on the policy guidelines issued by the first respondent, the petitioners applied for grant of fresh additional TFT licence for the year 2003-2004. On 31.12.2003, the fourth respondent issued notices to the petitioners, informing them to appear on 07.01.2004 for the Tappers Test. The fourth respondent also called respondents 5 to

8 for the said test. Though the petitioners are qualified in the test, their cases were not considered even after the expiry of the last date fixed for the issuance of T.F.T. licences i.e., 15.03.2005. Aggrieved by the action of respondents 1 to 4, the petitioners filed W.P.No.17279 of 2005 before this Court. This Court while admitting the writ petition, granted interim suspension in W.P.M.P.No.21999 of 2005, dated 30.08.2005. Thereafter, the first respondent issued proceedings, dated 30.06.2005 sanctioning 53 toddy shops in Kurnool District, for the lease year 2004-2005. In pursuance of the proceedings of the first respondent, the second respondent-District Collector, Kurnool, issued a notification and published the same in the District Gazette, dated 28.07.3006, notifying the villages including Venkatagiri and Mudumulagutti Villages. Consequent to the above said notification, the third respondent-Superintendent of Prohibition & Excise, Kurnool, issued proceedings dated 29.07.2005, directing submission of proposals for the issuance of licence for the newly sanctioned TFT/TCS shops at Venkatagiri and Mudumulagutti Villages. It is also the case of the petitioners that contrary to the Excise (Toddy) Policy Guidelines-2004, dated 07.10.2004, the first respondent issued the said proceedings, basing on the letters and recommendations made by the local MLA. & M.P and thereby considered the applications of respondents 5 to 8, who are not tappers by profession. Hence, this writ petition is filed

The learned counsel for the petitioners submits that by the issuance of notification, dated 28.07.2005 for the lease year 2004-2005, the rights of the petitioners have been infringed. The learned counsel also submits that as the said notification is issued pending consideration of the applications of the petitioners for the lease year 2003-2004, the third respondent-Superintendent of Prohibition and Excise has to take necessary action for grant of TCS/TFD licences in favour of the petitioners.

The learned Government Pleader for Prohibition & Excise submits that the

petitioners have no right to trade in liquor, but they can ask for consideration of their applications for grant of licence as per proceedings dated 07.10.2004.

Heard the learned counsel for the petitioners and the learned Government Pleader for Prohibition & Excise

Taking into consideration the fact that the impugned notification dated 28.07.2005 and the consequential memo dated 29.07.2005 issued by respondents 2 and 3 respectively are against the Policy Guidelines, dated 07.10.2004 issued by the first respondent-Commissioner of Prohibition & Excise, Government of A.P., Hyderabad, there is no need for the petitioners to file any fresh applications. While considering the applications of other parties, the case of the petitioners shall also be considered within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of, directing the respondent authorities to pass appropriate orders in accordance with law. No costs.

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K.C.BHANU J.,

Dt.28.09.2005

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